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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,019	03/02/2004	Eric Robert Shepherd	QMARK 201.2	1317
<div>7590 06/07/2007</div> <div>Steven M. Hoffberg, Esq. MILDE &amp; HOFFBERG, LLP Suite 460 10 Bank Street White Plains, NY 10606</div> <div>EXAMINER SHIH, HAOSHIAN</div> <div>ART UNIT 2173</div> <div>PAPER NUMBER</div> <div>MAIL DATE 06/07/2007</div> <div>DELIVERY MODE PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,019	SHEPHERD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haoshian Shih	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070529</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-20 are pending in this application and have been examined in response to application filed on 03/02/2004, benefiting from a provisional application dated **05/16/2003**.

2. Provisional application filed on 05/16/2003 has been entered.

### ***Claim Objections***

3. Claims 6 and 14 are objected to as being in improper form because of duplicate dependent claims.
4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. Regarding claims 6-7 and 14, the phrase "its" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Winneg et al. (Winneg, US 7,069,586 B1).**

8. As to **INDEPENDENT** claim 1, Winneg discloses a secure user interface method, for interacting with a user through a browser, comprising:

controlling the browser (col.4, lines 3-5) to request a document from a cooperative server (col.2, lines 15-17; course material documents are available on-line, and is navigable via a browser application such as Microsoft internet explorer), the browser providing data export support functionality (fig.1, "116").

receiving data with the browser in response to the request; automatically determining, based on a type encoding of the received data, whether a secure browser (col.4, lines 3-5; a securely executed application such as a browser application may be invoked) is to be employed (col.9, lines 45-47, lines 53-55; col.10, lines 10-13; a user sends a request to take an exam, the "exam taking application" determines and initiates a secure execution of a secure browser based on the user request), the secure browser having a set of functionality restricted with respect to a normal browser, to enhance security of a received document against data export (col.15, lines 56-61; customized template that prevents the user from initiate any external processes);

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receiving the secure content for presentation in the secure browser; and communicating an input from the user, through the secure browser, to a cooperative server (col.26, lines 6-10; a "password" is required to access the "secure content").

9. As to claim 2, Winneg discloses the step of limiting access of a user, with the secure browser, to documents outside of a specified set (col.16, lines 50-55; unauthorized contents are disabled from the display).

10. As to claim 3, Winneg discloses the step of authenticating the secure browser, to assure that the secure browser having the restricted set of functionality is available for presentation of secure content (col.15, lines 63-65; "customized template").

11. As to claim 4, Winneg discloses the secure browser lacks one or more of the following functions: print, save, cache, cut and copy (col.22, lines 52-59; "prevent the student from copying the information in the buffer to another location).

12. As to claim 6, Winneg discloses the secure browser restricts termination of its own execution (col.21, lines 28-33).

13. As to claim 7, claim 7 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

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14. As to claim 8, claim 8 is a computer readable media claim of claim 3; it is rejected under similar rationale.

15. As to **INDEPENDENT** claim 9, claim 9 incorporates substantially similar subject matter as claimed in claim 1, and is rejected under the same rationale.

16. As to claim 10, Winneg discloses the secure browser provides restricted navigational functionality with respect to the navigational functionality of the browser alone (col.12, lines 46-55).

17. As to claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 2, and is rejected under the same rationale.

18. As to claim 12, Winneg discloses the step of authenticating the secure browser at a remote server prior to presenting the secure content to ensure that the content will only be delivered in the secure browser (fig.8, "146", "158").

19. As to claim 13, Winneg discloses the secure browser prevents use of the following functions: save, copy, and navigate to unrestricted documents (col.11, 35-39; col.12, lines 52-53; disabling certain user input actions, (e.g., keyboard strokes, mouse clicks) and limiting navigation to only the application window).

20. As to claim 14, claim 14 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

21. As to claim 15, Winneg discloses the secure browser is initiated based on a type encoding of the received data (col.21, lines 13-15).

22. As to claim 16, claim 16 incorporates substantially similar subject matter as claimed in claim 1, and is rejected under the same rationale.

23. As to claim 17, Winneg discloses the secure browser is granted principal application level control over graphic user interface inputs from a user (col.12, lines 47-52).

24. As to claim 18, Winneg discloses the secure browser is granted exclusive control over graphic user interface functionality when invoked (col.12, lines 47-52).

25. As to claim 19, Winneg discloses the step of authenticating the server by the secure browser prior to presenting the secure content (col.8, lines 40; "login").

26. As to claim 20, claim 20 is a computer readable media claim of claim 6; it is rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**28. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winneg in view of Chang et al. (Chang, US 2002/0097416 A1).**

29. As to claim 5, Winneg does not disclose the secure browser renders text information as graphic objects.

In the same field of endeavor, Chang discloses renders text information as graphic objects (fig. 1A, 110, 150; "raster").

It would have been obvious to one of ordinary skill in the art, having the teaching of Winneg and Chang before him at the time the invention was made, to modify the secure browser interface taught by Winneg to include text conversion taught by Chang with the motivation being to discourage cheating and to provide a secure exam-taking environment (Winneg, col.3, lines 47-48).

**Conclusion**



The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

  
TADESSE HAILU  
PRIMARY EXAMINER